

# ***Kentucky's Environment***

The E-Newsletter of the Environmental Quality Commission



June/July 2003

Volume 19, Issue 3

Page 1

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)



## **EQC June 16 Forum Will Review Slurry Spill Restoration Efforts**

In the early morning hours of Wednesday, Oct. 11, 2000 an inrush of water and slurry poured from the Martin County Coal Corp.'s Big Branch impoundment into the adjacent underground mine. An estimated 306 million gallons of slurry flowed from the impoundment into the mine. The slurry burst through the mine portals and flowed into tributaries of the Big Sandy River.

While no one was injured in the incident, significant environmental damage resulted. The spill impaired water quality along 100 miles of the Wolf and Rockcastle creeks and the Coldwater, Levisa and Tug forks of the Big Sandy River. The company has agreed to clean up the waterways. The U.S. Environmental Protection Agency is overseeing the cleanup. The work must be finished by October 2007.

EQC has requested state and federal officials provide a status report on the clean up as well as changes that have occurred at the state and federal level to prevent future disasters like this one from occurring. The public is invited to attend a free public forum on Monday, June 16 at the Jenny Wiley State Resort Park to review efforts to address the spill. The June 16 EQC Martin County Coal Slurry Spill: Three Years Later agenda is available on [Page 7](#) or see the EQC Web site at <http://www.kyeqc.net>.

## **EQC Encourages State to Move on Oil and Gas Rules**

EQC serves as a citizen advisory board to the Governor and other state officials. In this advisory role, EQC has expressed its support to Gov. Patton for the timely promulgation of state regulations to address oil and gas gathering lines as specified in House Bill 524 passed by the 2003 General Assembly. EQC also supports a full assessment of oil and gas regulatory programs in the Commonwealth.

The Ky. Department of Mines and Minerals began permitting oil and gas operations in 1960. In 2002, there were 47,412 active oil and gas operations in Kentucky. In 2000, the state produced 2.9 million barrels of oil and 82 billion cubic feet of natural gas. Nearly all natural gas (99 percent) is produced in the eastern part of the state while oil production occurs in 59 counties (49 percent in west Kentucky).

*continued Page 6 - see [EQC Oil and Gas Recommendation](#)*

### **EQC Commissioners:**

Aloma Dew, Chair, Owensboro

Betsy Rudd Bennett, Vice Chair, Louisville

Jean Dorton, Paintsville

Lindell Ormsbee, Lexington

Gary Revlett, Shelbyville

Patty Wallace, Louisa

Gordon Garner, Prospect

## ***In this Issue:***



[Mountaintop Mining Draft EIS Available- Page 5](#)



[Daniel Boone National Forest Proposed Plan & Draft EIS Released - Page 5](#)



[EQC July 16 Forum- Martin County Coal Slurry Spill: Three Years Later - Page 7](#)

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[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## **State News**

### **Louisville Listed as Top U.S. Allergy City**

Louisville was named the as the allergy capital of the U.S. by the Asthma and Allergy Foundation of America due to its average annual pollen count and high number of prescriptions for antihistamines. See <http://www.aaafa.org>.

### **Abandoned Mines Pose Threats to 400,000 Kentuckians**

More than 3.5 million Americans -- including 400,000 people in Kentucky live within a mile of an abandoned mine that pose health and safety hazards, according to a whitepaper by the federal Office of Surface Mining. See <http://www.osmre.gov/pdf/wp041703.pdf>.



### **Nature Preserve to be Named in Honor of James Bickford**

The Kentucky Nature Preserves Commission will dedicate a large tract at Pine Mountain Settlement School as a state nature preserve in memory of the late James E. Bickford who served as secretary of the Natural Resources and Environmental Protection Cabinet from 1993 through 2002. The dedication ceremony will be on Monday, June 30. *Contact Don Dott at (502) 564-2886 for information.*

### **Kentucky Pioneer Energy Gets Further Review**

The State Board on Electric Generation and Transmission Siting (Siting Board) has granted Kentucky Pioneer Energy LLC an opportunity to demonstrate compliance with local planning and zoning regulations. Kentucky Energy has applied for a permit to construct a 540-megawatt generating plant near Trapp in Clark County. On April 16, 2003, the siting board denied the permit because of failure to demonstrate compliance with local planning and zoning regulations. The order gives Kentucky Pioneer Energy six months to comply with local planning and zoning requirements. The proposed plant would be on a site leased from the East Kentucky Power Cooperative (EKPC). It would sell electricity wholesale to East Kentucky Power Cooperative and be fueled by synthetic gas produced on-site from a mixture of coal and refuse-derived fuel, created by processing municipal solid waste.

### **Farmers Can Recycle Pesticide Containers**

Kentucky farmers can help keep their operations safe and the environment clean by recycling plastic chemical containers through the Kentucky Department of Agriculture's (KDA) free Rinse and Return Program. The program has been collecting properly-rinsed plastic jugs from Kentucky farms and commercial crop protectant applicators at no charge since 1991. The 2003 program begins in June. A collection location listing and schedule by county can be found by logging onto <http://www.kyagr.com/enviroout/pestweed/programs/services/recycle.htm> or contact KDA's Division of Environmental Assistance at (502) 573-0282.

### **State Program Offers Free Disposal of Waste Tires**

The state's first tire amnesty program collected 6 million tires and was so successful that it has been extended for 2003-05. Tire amnesty collections will be held in each county throughout the next two years. Upcoming events include Bell - June 19-21, Harlan - June 26-28, Spencer - June 17-19, Gallatin - June 12-14, Grant - June 19-21 and Pendleton - June 26-28. Contact Fred Kirchhoff or see <http://www.waste.ky.gov/programs/tires/Tire%20Amnesty.htm>.

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## CONFERENCE CALENDAR

**June 14 - Kentuckians For The Commonwealth Flyover Festival.** Wendell Ford Airport, Hazard. To register for a flight call (606)878-2161 or see <http://www.kftc.org>. Contact: Jerry Hardt, (606) 349-4860.

**June 20-21 - Ky. Waterways Alliance Annual Conference.** Ky. State Univ. See <http://members.iglou.com/kwanews/news/KWAannm 2003.html>, call (877) 602-1774 or e-mail [Director@KWAlliance.org](mailto:Director@KWAlliance.org)

**June 22 - Northern Kentucky Group Sierra Club Conservation Workshop.** Blue Licks Battlefield State Resort Park, Carlisle. Contact: Claudia Hilligoss [claudiahilligoss@netzero.com](mailto:claudiahilligoss@netzero.com) or (859) 689-5706.

**July 13-15 - Ky. Association of Conservation Districts 60th Annual Convention.** Holiday Inn, Bowling Green. Contact: Steve Coleman [steve.coleman@mail.state.ky.us](mailto:steve.coleman@mail.state.ky.us) or (502) 564-3080.

**Aug. 19-20 - Solving the Watershed Puzzle: Watershed Roundtable Conference.** Lexington, Holiday Inn North. See <http://kywatersheds.org/Roundtable/Roundtablearticle.htm> or contact: Lee Colten, Div. of Water, (502) 564-3410 or Judith Petersen, Ky. Waterways Alliance, (270) 524-1774.

**Aug. 19-20 - Environmental Permitting and Reporting Annual Conference.** Ky. Chamber of Commerce. Radisson Plaza Hotel, Lexington. See <http://www.kychamber.com/kycchw/hw.dll?page&t=cal2&p1=17> or contact Sarah Vaught (502) 695-4700 ext. 3022.

**Sept. 28-Oct. 1 - National Association of Abandoned Mine Land Programs Annual Conference.** Galt House, Louisville. Contact: Steve Hohmann at [steve.hohmann@mail.state.ky.us](mailto:steve.hohmann@mail.state.ky.us) or (502) 564-2141.

## PUBLIC NOTICES/HEARINGS - PERMITS

This listing is not official. Contact the various divisions listed for more information about these and other permits.

### Ky. Division of Water - Water Discharge Permits/Public Notices

See <http://water.nr.state.ky.us/dow/public.htm> or contact Pam Horne, (502) 564-3410.

• **72 KPDES Water Discharge Permits.** (Public notices 2003 12-18).

• **Kentucky Truck Plant**, Louisville (Jefferson Co.) - Modification of existing discharges of non-contact cooling water, storm water runoff, seasonal infiltration groundwater and occasional emergency and fire protection system test water from a truck manufacturing plant that enters Hite Creek at mile point 4.3 (KY 0097454).

• **Dart Polymers Inc.**, Owensboro (Daviess Co.) - Permit modification of an existing source discharge of storm water runoff from a polystyrene manufacturer that enters the Ohio River at mile point 222; modification to add an additional outfall of storm water runoff (KY 0093734).

• **Louisville Zoological Garden**, Louisville (Jefferson Co.) - Modification of an existing source discharge of storm water runoff and exhibit overflow from a zoological park that enters Southfork Bluegrass Creek at mile point 6.8; modification to add an additional outfall of storm water runoff and exhibit overflow (KY 0057061).

### Ky. Division of Waste Management - Hazardous Waste Notices

Contact: Mary Ann Goins, (502) 564-6716.

• **The Somerset Refinery Inc.**, Somerset (Pulaski County). Tentative approval of a variance request to allow salt water separated from oil during processing to be pumped back into an oil field well. Public comment ends June 22.

[Continue viewing Public Notices](#)

[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## **PUBLIC NOTICES/HEARINGS - PERMITS *continued***

### **Ky. Division of Waste Management - Underground Storage Tanks**

*Contact: Christopher Luffy, (502) 564-6716 ext. 253.*

#### **Corrective groundwater action plans.**

- Gold Slone Garage**, Prestonsburg, (Floyd Co.) (9954-036).
- John Chaney Trucking Co. Inc.**, Ary, (Perry Co.) (0524-097).
- Norb Nie Service Station**, Covington, (Kenton Co.) (9262-059).

### **Ky. Division for Air Quality Permit Notices**

*Contact: George Day, (502) 573-3382.*

- Conditional Major Source Construction/Operating Permit (Title V regs do not apply)** - Hillshire Farm & Kahns, Alexandria (Campbell Co.)
- Title V Operating Permit** - Ahlstrom Filtration Inc., Madisonville (Hopkins Co.); Griffin Industries, Butler (Pendleton Co.); Jim Beam Brands Co., Boston (Nelson Co.).
- Significant Revision Title V** - J.L. French Corp., Glasgow (Barren Co.).
- Synthetic Minor Operating Permit at a Title V Source (PSD regs do not apply)** - Logan Aluminum Inc., Russellville (Logan Co.); Newport Steel Corp., Wilder (Campbell Co.); Continental Web Press Inc., Walton (Boone).
- Synthetic Minor Construction/Operating Permit at a Title V (PSD regs do not apply)** - Kentucky Energy Project, Paintsville (Johnson Co.).
- Renew Conditional Major Permit** - Polymer Partners, Henderson (Henderson Co.); MPD Inc., Owensboro (Daviess Co.); Continental Web Press Inc., Walton (Boone).
- Renew Title V Permit** - North Star Steel, Calvert City (Marshall Co.).

## **PROPOSED STATE REGULATIONS/PLANS**

### **•Division of Air Quality Proposed Amendments**

A public hearing for June 26 at 10 a.m. at the Div. for Air Quality, 803 Schenkel Lane, Frankfort will be held on proposed amendments to administrative regulations:

401 KAR 52:080 - Regulatory limit on potential to emit.

401 KAR 57:002 - 40 CFR Part 61 national emission standards for hazardous air pollutants.

401 KAR 60:005 - 40 CFR Part 60 standards of performance for new stationary sources.

401 KAR 63:002 - 40 CFR Part 63 national emission standards for hazardous air pollutants.

See <http://www.air.ky.gov/pubinfo/RevisionofKYAirRegs.pdf> *Contact: Gerry Ennis*  
[gerry.ennis@mail.state.ky.us](mailto:gerry.ennis@mail.state.ky.us) or (502)573-3382.

### **•Louisville Highway Mobile Sources Emission Budget**

A public hearing for June 18, 9 a.m., board room, Louisville Metro Air Pollution Control Board, 850 Barrett Avenue will be held on the proposed SIP revision to the Highway Mobile Source Emissions Budget for the Louisville 1-hour ozone maintenance area. See <http://www.air.ky.gov/pubinfo/HighwayMobileSourceLouisville.pdf> or contact John Gowins(502) 573-3382.

### **•ORSANCO's Pollution Control Standard (Ohio River)**

Proposed revisions to water quality standards include revised criteria for arsenic, outlet markers for discharges and new requirements for mixing zones. See <http://www.orsanco.org> or call (513) 231-7719.

*[To view Federal Notices](#)*



[Calendar](#)

[Public Notices](#)

[Proposed Regulations](#)

[News](#)

[EQC Activities](#)

## **FEDERAL NOTICES**

### **•Mountaintop Mining Draft Environmental Impact Statement (EIS)**

Draft EIS recommending actions to further enhance protection for Appalachian streams from effects associated with mountaintop coal mining. See <http://www.epa.gov/region3/mtntop/index.htm>. Copies can also be viewed at local agency offices and public libraries or call the toll free hotline at (800) 228-8711. Comment period will close Aug. 29.

### **•Daniel Boone National Forest Proposed Revised Land & Resource Management Plan & Draft Environmental Impact Statement (EIS)**

The plan will guide the management of the Daniel Boone National Forest over the next 10 to 15 years and calls for some timber harvesting to assist other management objectives such as wildlife habitat and forest health. Meetings to discuss the plan will be held across the state see <http://www.southernregion.fs.fed.us/boone>. Comments are due Aug. 14 and can be submitted at [danielboone@fs.fed.us](mailto:danielboone@fs.fed.us). Contact Rick Wilcox (859)745-3156.

**•U.S. Dept. of Fish & Wildlife Service Recovery Plan for Five Fresh Water Mussels** - A draft recovery plan for the Cumberland elktoe, oyster mussel, Cumberlandian combshell, purple bean and rough rabbitsfoot mussels. Comments due by June 23. Contact Bob Butler at (828)258-3939 ext. 235 or see <http://southeast.fws.gov/news/2003/r03-032.html>.

## **GRANTS & FUNDING OPPORTUNITIES**

**•PRIDE Environmental Education Grants**: Annual education grant program for projects that encourage understanding and actions beneficial to the environment. Grant amounts are up to \$5,000. Applications are due June 24. Contact Karen Deaton (888)577-4339 or see <http://www.kypride.org>.

**•Brownfields Economic Development Initiative**: The U.S. Department of Housing and Urban Development has announced the availability of FY 2003 funding through the Brownfields Economic Development Initiative. The program will provide approximately \$29.5 million to be used in conjunction with Section 108 loan guarantee funds for projects which propose the redevelopment of brownfields sites. Proposals are due July 16. See <http://www.hud.gov/offices/adm/grants/nofa/grpecond.cfm>.

## **PUBLICATIONS OF INTEREST**

**•Kentucky's 2002 List of Impaired Streams** - has been approved by the U.S. EPA. The document identifies waterways in Kentucky that do not meet water quality standards. See <http://www.water.ky.gov/dow/>.

**•1996-2000 Kentucky Cancer Incidence Report**- Information from the report is available at <http://web.kcr.uky.edu>. Contact: Thomas Tucker at [tct@kcr.uky.edu](mailto:tct@kcr.uky.edu) or (859)219-0773.

**•State of the Air: 2003** - American Lung Association reviews national and state air pollution trends. See <http://lungaction.org/reports/stateoftheair2003.html>.

**•U.S. Environmental Protection Agency 2003-2008 Draft Strategic Plan** - serves as the agency's road map for the next five years. The *Strategic Plan* lays out EPA's five long-term goals and will guide the EPA in establishing the annual goals. EPA is currently soliciting comments on the draft plan and welcome comments from all interested parties. To view visit <http://www.epa.gov/ocfo/plan/plan.htm>.

## ***EQC Activities***

### **Attend An EQC Virtual Forum on “Kentucky’s Environmental Future”**

The EQC May 8 public forum reviewed the state’s 2002-03 Environmental Management Plan and impacts of recent budget cuts on environmental programs. You can now attend this meeting at our Web site at [www.kyeqc.net](http://www.kyeqc.net). Highlights from the [EQC Environmental Futures Virtual Forum](#) include:

- Less than 1 percent of the Kentucky’s \$7.5 billion dollar general fund budget supports environmental and natural resource programs.
- During the past two years the general fund budget of the Ky. Natural Resources and Environmental Protection Cabinet has been reduced by 11.7 percent.
- Per capita general fund expenditures on Kentucky’s environmental, mining and natural resources programs in 2003-04 amounts to \$14 per Kentuckian per year.

### **EQC Oil and Gas Recommendation...continued from Page 1**

Kentucky has large untapped natural gas and oil reserves. With predictions that another energy crisis may be high, Kentucky may see oil and gas production rates increase. Already the state has seen an increase in natural gas permits in recent years. For example, the number of newly permitted natural gas wells in Kentucky increased 69 percent between 1999 and 2002.

#### **Oil and Gas Pollution Impacting Five River Basins**

Pollution from oil and gas wells have impacted water quality in five river basins with salty brines and oil and has posed risks to landowners and public health. The EQC *State of Kentucky’s Environment* report reveals that in 1999, 1,316 violations were cited at oil and gas wells by Department of Mines and Minerals inspectors and another 65 were cited by Division of Water inspectors. Because the Department of Mines and Minerals has no authority to issue fines it must rely on bond forfeitures as its only means of enforcement. In 1999, some 85 oil and gas bonds were forfeited compared to 100 released. State officials have reported to EQC that bond amounts often do not cover the complete cost of plugging and reclaiming a well site.

In addition, gathering lines, small lines that gather the oil and gas from wellheads and connect to larger trunk lines, are not currently regulated under the existing oil and gas program. There are miles of gathering lines in Kentucky.

EQC noted in its letter to Gov. Patton that with the passage of House Bill 524, it now rests with state agencies to assure that oil and gas exploration, construction, production and transmission be conducted in a manner that protects landowners, public safety and the environment while allowing Kentucky to tap its energy resources.

#### **Noncoal Regulations Subject of EQC Recommendation**

EQC also recently issued other recommendations including:

- Support for state proposed noncoal regulations with the exception of allowing noncoal mining on state and national forests, nature and wildlife preserves and other environmentally sensitive public lands.
- Support to fund the Daniel Boone National Forest Land Acquisition Program.

To view these and other EQC recommendations visit the Web sit <http://www.kyeqc.net>.

## *Environmental Quality Commission Public Forum*

### **Martin County Coal Slurry Spill: Three Years Later June 16 - Jenny Wiley State Resort Park - Prestonsburg**



**6 p.m.**

#### **Opening Remarks**

- Aloma Dew, Chair, EQC

**6:15 p.m.**

#### **Martin County Coal Slurry Spill: Three Years Later**

##### **Overview and Status Report**

- **Robert Logan**, Commissioner  
Ky. Department of Environmental Protection

##### **Damage Assessment and Restoration**

- **Tom Welborne**, U.S. EPA, Region 4, Atlanta

##### **Clean up Efforts and Future Needs**

- Martin County Coal representative (invited)

##### **Coal Slurry Impoundments: Status, Issues, Needs**

- **Allen Luttrell**, Deputy Commissioner  
Ky. Department of Surface Mining
- **Franklin Strunk**, District 6, Mine Health and Safety Adm.
- OSM representative (invited)

**8:30 p.m.**

#### **Public discussion, comments, questions**

#### **EQC Recommendations**

**9:30 p.m.**

#### **Adjourn**

**June 17**

#### **Martin County Coal Tour**

8:30 a.m. - 11 a.m. EQC commissioners and staff will tour the Martin County Coal slurry impoundment and impacted area. The tour is not open to the public.

*Updated agenda information is available on the EQC Web site. The public is encouraged to attend this meeting and ask questions or offer comments. All EQC meetings are free and open to the public. Meeting facilities are accessible to people with disabilities. Auxiliary aids, interpreters and other services will be provided upon request by contacting EQC.*



*The Environmental Quality Commission is a seven-member citizen board that advises officials on environmental matters, provides a public forum for the discussion of issues and monitors environmental conditions.*

*The Environmental Quality Commission welcomes your input.*

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